



## **REQUEST FOR PROPOSAL**

**RFP 22000000003**

***Issued: February 21, 2022***

**“Seeking proposals from qualified professionals/professional organizations to provide auctioneering services for the public sale of ALEA surplus equipment and vehicles.”**

**Alabama Law Enforcement Agency  
301 South Ripley Street  
Montgomery, AL 36104  
Office: (334) 517-2800  
[www.alea.gov](http://www.alea.gov)**

**PROPOSALS MUST BE RECEIVED BY March 9, 2022 at 4:00pm**

## RFP DESCRIPTION AND QUALIFICATIONS

The Alabama Law Enforcement Agency (hereinafter “ALEA”) is seeking proposals from qualified professionals or professional organizations to provide auctioneering services for the public sale of ALEA surplus equipment and vehicles, pursuant to statutory authority found in Alabama Code Section 32-2-83.

All interested vendors are invited to submit a proposal in accordance with the requirements specified in this RFP.

Vendors must provide the services of an individual (or individuals) that meet the following minimum professional qualifications:

Auctioneer or auctioneering company must be fully licensed and/or certified by the Alabama State Board of Auctioneers; must have a minimum of two (2) years’ professional experience as a licensed auctioneer; must be in good standing with Alabama State Board of Auctioneers with no current or previous disciplinary actions.

Proof of licensure must be provided with responses to this RFP.

Vendor must provide, along with the proposal, an up-to-date resume or curriculum vitae of any individual who would be performing services under any executed contract.

Along with any resume/cv, vendor will provide a minimum of three (3) professional references, including the references’ name and telephone number. References should be capable of speaking to similar contracts/services rendered by vendor.

Liability and/or malpractice insurance will be the responsibility of the vendor. Vendor must provide evidence of adequate insurance with its proposal and maintain adequate insurance coverage for the entire duration of any executed contract.

## SERVICES REQUIRED

The successful vendor will be required to provide all auctioneering services requested by ALEA at a time and place mutually agreed upon by ALEA and the vendor. All auctions must be held both in person and online simultaneously.

There is no guarantee as to the number of auctions or equipment to be sold at any individual auction. There is no minimum number of guaranteed auctions to be held during the resulting contract period.

Vendor must provide in the responsive proposal all applicable rates and an itemized breakdown of costs (direct and indirect) based on the services that will be required. If multiple individuals may provide service under an executed contract, this information must be provided for each such individual if rates and/or costs will vary per individual. Failure to provide rates and/or costs for all services required by this RFP may result in a proposal being considered non-compliant. Rates and/or costs provided should include the following:

Commission rate to be charged per vehicle and equipment sold by the vendor;

If vendor intends to conduct auctions at its own facility (which must be located in Montgomery, Alabama), pricing should include advertising costs to include advertising for at least two weeks in advance of the dated fixed for the auction in the following forms: (1) 2 inch by 2.5 inch advertisement in the Montgomery Advertiser once a week for two consecutive weeks; (2) simultaneously be posted on a readily accessible public bulletin board at the main office of the Alabama State Law Enforcement Agency; (3) website advertising to include ability to view vehicles and equipment prior to sale; (4) minimum of 2,000 printed brochures with postage; (5) full page ad in the Montgomery Bulletin Board; (6) sale day catalog; and (7) Port-a-toilets; (If auctions are held at ALEA's Fleet Lot, ALEA will pay for advertising costs.).

Advertisements for auctions shall state the item or items to be sold, by class and description, where the property is located and the dates, time, and place the property may be inspected. The advertisements shall further state the date, time, and place of the auction. All property advertised shall be available for inspection during normal state office hours, and at whatever place advertised for at least 48 hours prior to sale. All property sold shall be paid for by the purchaser or his or her representative by cashier's check, bank draft, certified check, U.S. currency, or notarized bank letter stating that the holder may purchase surplus property and also stating a maximum amount, at the time of acceptance of bid and award of contract, and the removal shall be not later than seven days after the awarding of the contract. No officer or employee of the State of Alabama or any of its departments, boards, bureaus, commissions, institutions, corporations, or agencies shall act as agent for any bidder; provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property at public sale. Any sale made in violation of the terms of the contract shall be null and void, and the person or persons responsible for the violation shall be subject to liquidated damages of not less than one thousand dollars nor more than ten thousand dollars, which may be recovered for the State of Alabama by the Attorney General by civil action in the Circuit Court of Montgomery County.

All personnel required to conduct an auction including auctioneers, ring men, site coordinators, personnel to collect proceeds, set up crew, and personnel to process titles and bills of sale between ALEA and the buyer; and

Any additional costs and/or fees to be charged by vendor.

ALEA will provide the following:

An ALEA accounting representative to assist with monitoring and tracking the sale of vehicles and accounting for sale proceeds;

Labor personnel to include state inmates to assist with arrangement, display, and removal of items to be sold;

If the parties agree to hold the auction on ALEA property, ALEA will provide uniformed arresting officer to provide security to vendor during and immediately after auction; and

A preliminary list and description of each item to be sold at auction ten (10) days prior to placement of the first advertisement notice.

The successful vendor will be required to comply with all applicable laws, rules, and regulations including, but not limited to the following:

Alabama Code Section 8-14-1 through 8-14-24, regulating public auctions;  
Alabama Code Section 32-2-80 through 32-2-84 (Article 5, Public Safety Motor Vehicle Replacement Fund); and  
UCC sales regulations.

## PROPOSED CONTRACT TERMS AND CONDITIONS

General terms and conditions provided by the Alabama Department of Finance through the STAARS Purchasing System are hereby incorporated into this RFP by reference.

A standard agency contract will be required. Upon acceptance of Vendor's proposal by ALEA, the parties will execute a formal contract, in writing, duly signed by the proper parties thereto, which shall be subject to review by the Contract Review Permanent Legislative Oversight Committee of the State of Alabama and the approval and signature of the Governor of the State of Alabama. Vendor will assume responsibility for providing services under the executed contract on the effective date of the contract, which will be the date of approval and signature of the Governor of Alabama or her designee. The executed contract will not be effective until it has received all requisite state government approvals. Vendor shall not begin performing services thereunder until notified by ALEA. Vendor will not be entitled to compensation for work or services performed prior to the effective date of the contract.

ALEA is not responsible for and will not pay or reimburse any associated cost incurred by vendor in the preparation and submission of vendor's proposal or in any processes associated with vendor's participation, regardless of whether vendor is selected.

This RFP does not, by itself, obligate ALEA; such obligation shall commence only upon the execution of any approved contract. However, part or all of this RFP may be incorporated into any executed contract, along with Vendor's proposal. ALEA hereby reserves the right to add terms and conditions during contract negotiations, within the scope of this RFP.

The anticipated contract term for this RFP is a two (2) year period. ALEA reserves the right, however, to include up to three (3), one-year renewal options, at its discretion, in any initially awarded contract. When provided for in any executed contract, ALEA has the sole option to exercise renewal options. Unless otherwise provided by any executed contract, the holding over of the contract, excluding any exercised renewal options, will be considered a month-to-month extension and all other terms and conditions shall remain in full force and effect. To be effective, any renewals must also be submitted and approved by the Alabama Contract Review Permanent Legislative Oversight Committee and require the approval and signature of the Governor of the State of Alabama.

The selected vendor may be required to enter into contract negotiations at the discretion of ALEA. If an agreement cannot be reached to the satisfaction of ALEA, ALEA may reject the vendor's proposal or revoke the selection and begin negotiations with another qualified and responsive vendor.

## FORM AND CONTENT OF PROPOSALS

One (1) original paper or hard copy of the proposal must be submitted along with four (4) additional paper or hard copy proposals, including copies of completed/notarized required documents. Vendors must additionally submit an electronic copy of responsive proposals and all attachments on a USB drive. The proposal package must be fully sealed and properly labelled with Vendor's name, proposal opening date, and RFP number. Proposals should be marked, "sealed proposal, do not open." Failure to submit the required number of copies in this requested format may prevent a vendor's proposal from being evaluated.

An authorized representative of Vendor must sign the original proposal with any changes made in ink in all required places. ALEA will consider the person who signs vendor's proposal to be the point of contact for all matters pertaining to the proposal unless vendor expressly designates another person in writing. By signing the proposal, vendor agrees to be bound by all terms and conditions of the RFP. Any exceptions to the specified terms and conditions must be clearly set forth in vendor's proposal and are subject to ALEA's acceptance of the same. Vendor may be deemed non-responsive if its proposal contains exceptions to the terms and specifications of the RFP.

If the organization submitting a proposal intends to outsource or subcontract any work to meet the requirements contained herein, such must be clearly stated in the proposal and details must be provided, including a name and description of the organization(s) being contracted. All forms and requirements of Vendor per this RFP shall equally pertain to any subcontractor(s).

Proposals submitted by "Express/Overnight" services must be in a separate inner envelope/package, sealed, and identified as stated above.

Vendor's proposal must include the complete name, address, mailing address, e-mail address and direct telephone number of the person ALEA should contact regarding the proposal.

Vendor's proposal must include the following forms which are available for download at <https://www.alea.gov/resources/request-proposal>:

- Coversheet;

- Vendor Authorization Form to Submit Proposal;

- Vendor Disclosure Statement ("Proposal Box" must be checked on this form) (Please note: a separate Vendor Disclosure Statement (with the "Contract Box" checked must be completed by the successful vendor to accompany any executed contract.) A copy of the successful vendor's completed disclosure statement shall be filed with ALEA and the Alabama Department of Examiners of Public Accounts and submitted to the Contract Review Permanent Legislative Oversight Committee. Any disclosure statement filed pursuant to Alabama Code Section 41-16-85 will be public record.);

- Corporate Acknowledgement Statement (Must be included with proposal if applicable. If not applicable, vendor must include an explanation of inapplicability with the proposal.);

- Copy of vendor's Certificate of Authority (issued by the Alabama Secretary of State);

Immigration Status Form (By submitting a proposal, vendor specifically warrants that vendor does not and will not knowingly employ, hire, or continue to employ an unauthorized alien within the State of Alabama.);

Certificate of Compliance with Act 2016-312;

Certificate of Compliance with the Beason-Hammon Alabama Taxpayer and Citizen Protection Act;

Copy of vendor's full e-verify MOU; and Valid tax ID (W-9 form).

The proposal must address all requirements of this RFP and provide all information requested. Failure to comply with the requirements of the RFP will result in the disqualification of vendor's proposal. Proposals submitted on reduced and/or mutilated forms will be rejected.

Along with the requirements stated herein, proposals should adequately address each of the following:

Please provide a summary of services to be provided by vendor that meet the requirements of this RFP, highlighting any of vendor's strengths and identifying any known weakness or inability to provide the services requested (whether mandatory or preferred).

Discuss vendor's philosophy, plan, goals, and objectives.

Describe vendor's experience relative to providing required services.

Provide a detailed description of services and methods proposed by vendor.

Identify all personnel that will contribute, in any way, to services provided by vendor, including whether positions are full-time or part-time and/or contract or subcontract arrangements, providing job descriptions for those positions. Describe vendor's plan to maintain adequate personnel, as well as vendor's initial and ongoing staff training and development process. Vendor must provide a sample weekly chart of staff coverage, as well as an organizational chart showing how those personnel providing services under any executed contract are organized within vendor's organization. Vendor must identify credentials and qualifications of all personnel included in the staffing plan and provide evidence of required licensure or certification.

Provide the earliest "start date" by which vendor could begin providing services under any executed contract (irrespective of requisite state government approvals and processes by which to obtain them). Identify potential barriers or anticipated delays.

Proposals should be returned to:

ATTN: Beverly Anderson

Alabama Law Enforcement Agency, Accounting Division  
301 South Ripley Street  
Montgomery, AL 36104

*\*Proposals may be returned via Express/Overnight mail to street address only*

The proposal package must be properly sealed and labelled with vendor's name, proposal opening date, and RFP number. Proposals should be marked, "sealed proposal, do not open."

Whether proposals are mailed, hand delivered, or delivered by express mail, they must be delivered to the ALEA Accounting Division at the address shown above.

Faxed, electronic, or oral proposals will not be accepted.

ALEA reserves the right to seek and receive necessary clarification/supplementation from vendors within five (5) days of receiving responsive proposals and prior to awarding any contract. Clarification/supplementation during this time period will be limited to ensuring compliance with requirements, forms, and certifications and is not the opportunity for a vendor to modify its proposal.

Note: ALL responsive vendors must be registered to perform business with the State of Alabama to be awarded a state contract. A copy of the State Vendor Application and information pertinent to doing business with the State of Alabama is available online at: <https://procurement.staars.alabama.gov>. Registration is required every three (3) years. Applications should be submitted to the Purchasing Division of the Alabama Department of Finance. Additionally, all vendors providing service under any state contract must be registered in the State of Alabama Accounting System (STAARS) to receive payment for services rendered.

#### DATE PROPOSALS RECEIVED

Sealed proposals will be received until **March 9, 2022 at 4:00pm**. Proposals must be received by this date and time to be considered by ALEA.

All proposals received after the appointed deadline for receipt, whether by mail or otherwise, will be returned unopened. The time of receipt shall be determined by the time received at the address noted above. Vendors have the sole responsibility for assuring that proposals are received by ALEA by the designated date and time.

Proposals will remain firm and unaltered after opening for one-hundred and twenty (120) days after the proposal due date or until ALEA signs a contract with another vendor, whichever is earlier. ALEA may accept vendor's proposal at any time during the proposal firm time, subject to successful contract negotiations.

#### CERTIFICATIONS BASED ON PROPOSAL SUBMISSION

By submitting a proposal, vendor warrants acceptance and agreement with all terms and conditions presented in this RFP and further certifies that vendor is legally authorized to conduct business within the State of Alabama and will comply with providing the services described.

Vendor warrants by submitting a proposal that all statements contained in the proposal are true and correct.

By submitting a proposal, vendor warrants that neither vendor nor any of vendor's trustees, officers, directors, employees, agents, servants, volunteers, subcontractors, etc. is a current employee of ALEA and that no such individuals have been employed by ALEA within a two (2) year window preceding the issuance of this RFP. During the term of any awarded contract, vendor shall be responsible for ensuring compliance with this requirement.

Vendor certifies by submission of a proposal that vendor has not publicly or privately colluded with any other vendor.

Vendor certifies by submission of a proposal that it has disclosed and agrees to be held by a continuing obligation to disclose financial and other interests (public or private, direct or indirect) that may pose a potential conflict of interest or which may conflict in any manner with vendor's obligations and performance of an awarded contract. Vendor shall not employ any individual with a conflict of interest to perform any service described in this RFP.

By responding to this solicitation, vendor will be held to have read and thoroughly examined the RFP. Failure to read and thoroughly examine the RFP will not excuse any failure to comply with the requirements of the RFP or any resulting contract, nor will such failure be the basis for any claim for additional compensation.

## PROPOSAL OPENING

Properly identified proposals will be securely kept and will remain unopened until time of proposal opening on March 10 at 10:00am. ALEA does not accept responsibility for the premature openings of proposals not properly identified or the late arrival of a proposal for whatever reason. Proposal opening will be held in the ALEA Accounting Division Magnolia Conference Room, 301 South Ripley Street, Montgomery, AL 36104. Proposal opening is not to be construed as meaning any vendor meets all specifications as set out in the proposal.

## MODIFICATIONS/SUSPECTED ERRORS/CLARIFICATION

Vendor may make a written request to modify or withdraw the offer at any time prior to opening. No oral modifications will be allowed. Such requests must be addressed and labeled in the same manner as the original proposal and plainly marked Modification to (or Withdrawal of) Proposal. Only written requests received by ALEA prior to the scheduled opening time will be accepted. ALEA will supplement original proposals received with accepted written modification requests.

If a vendor suspects an error, omission, or discrepancy in this solicitation, vendor must immediately notify ALEA's designee in writing, Beverly Anderson, at the above stated address or by email ([Beverly.Anderson@alea.gov](mailto:Beverly.Anderson@alea.gov)). ALEA will issue written instructions if appropriate and make any necessary changes available to all interested parties by posting the same on ALEA's website, [www.alea.gov](http://www.alea.gov). It is the responsibility of all interested vendors to monitor this webpage for announcements regarding this RFP.



If a vendor considers any part of this RFP unclear, that vendor is expected to make a written request for clarification, prior to the submission of their proposal. Requests for clarification should be sent to Beverly Anderson, via email, [Beverly.Anderson@alea.gov](mailto:Beverly.Anderson@alea.gov). All requests for clarification must be submitted by **February 28, 2022 at 4:00pm**. Requests for clarification emails should include in the subject line **“RFP 20000000003”**. ALEA will respond in writing or by email to all such requests if a response is deemed appropriate. ALEA’s response will state the request for clarification followed by a statement of clarification. A copy of the response will be provided to all eligible vendors by posting the same on ALEA’s website, [www.alea.gov](http://www.alea.gov). It is the responsibility of all interested vendors to monitor this webpage for announcements regarding this RFP.

Amendments to this RFP, if issued, will be made available to all interested vendors registered through the Alabama Department of Finance’s Purchasing Division as required and by posting the same on ALEA’s website, [www.alea.gov](http://www.alea.gov). The amendment(s) will incorporate the clarification or change and provide a new date and time for new or amended proposals. It is the responsibility of all interested vendors to monitor this webpage for announcements regarding this RFP.

### EVALUATION AND METHOD OF SELECTION

ALEA will designate a Proposal Evaluation Committee to be made up of at least four (4) members of ALEA Senior Staff. ALEA reserves the right to include a qualified expert with relevant experience to participate in proposal evaluations. The Proposal Evaluation Committee will then make a recommendation to the Secretary of ALEA or designee who will make the final award decision.

Vendor selection will be based on the proposal that meets or exceeds the requirements set forth in this RFP. Proposals will be evaluated based on the quality and completeness of the information provided. Vendors must provide comprehensive statements that illustrate their understanding of the proposed contract requirements.

ALEA may request an oral presentation or conduct interviews to support vendor’s written proposal.

Any vendor whose proposal does not meet the mandatory requirements and does not provide a primary proposal that meets all the required specifications of the RFP will be considered non-compliant.

Proposal evaluations will be scored based on the response to the requirements of this RFP and held as the primary proposal. Alternative proposals will not be considered as the basis for the evaluation of the successful vendor. All proposals received will become the property of ALEA. ALEA further reserves the right to use for its benefit the ideas contained in proposals received.

After the evaluation of proposals received and selection of the successful vendor, the selection and the award will be posted on the agency’s website, [www.alea.gov](http://www.alea.gov). Upon ALEA selecting a vendor’s proposal for contract negotiations, ALEA will send the vendor written notice. Notice letters sent or posted during proposal firm time, or during any extension thereof, will extend the proposal firm time until such time as ALEA signs a contract or determines negotiations with the vendor have failed. Receipt or posting of a notice of award is not the equivalent of a contract with ALEA. ALEA anticipates making a vendor selection within no more than **48 hours** from the date scheduled for proposal opening but reserves the right for an extension of time as required.

## EVALUATION CRITERIA

ALEA's Proposal Evaluation Committee will evaluate proposals using the following criteria:

Experience, Expertise, Knowledge, Stability, and Reputation of Vendor (35%)  
Understanding and Responsiveness to RFP (25%)  
Proposed Budget (40%)

## COST OF RESULTING CONTRACT AND BILLING

The total cost of a resulting contract shall be a fixed fee/commission rate for the auctioneering services to be provided throughout the service contract, to be utilized at the sole option of ALEA. The resulting contract shall not exceed the total cost quoted by vendor in its proposal based on the maximum number of auctions provided herein. No minimum number of auctions is guaranteed by ALEA.

Vendor will be required to submit invoices to ALEA for services provided pursuant to a services contract.

Vendor will be responsible for the payment of any and all applicable state, county, municipal, and federal taxes, including sales tax, and any other taxes imposed by other governmental entities so authorized. Vendor shall not bill ALEA for any taxes unless a statement is attached to the bill identifying the tax and showing why it is legally chargeable to ALEA. If it is determined that taxes are legally chargeable to ALEA, ALEA will pay the tax as required. State and federal tax exemption information is available upon request. ALEA does not warrant that the interest component of any payment is exempt from income tax liability.

All payments will be made to conform to State fiscal year requirements, notwithstanding any contrary provision in the contract. This may include prorating payments that extend beyond the end of ALEA's fiscal year.

## RESERVATIONS

In addition to any other reservations made herein, ALEA hereby reserves the right to cancel this RFP; to reject any or all proposals; to reject individual proposals for failure to meet any requirement; to award by item, part or portion of an item, group of items, or total; and to waive minor defects and/or seek additional proposals; and also reserves the right to award one or more professional service contracts that ALEA determines to be in the best interest of the state and ALEA. All services may be awarded to one (1) professional service provider or ALEA may award different services described in the RFP to different providers.

ALEA reserves the right to award the contract to a vendor other than the lowest-priced vendor, if a higher-priced proposal provides the best value as determined by ALEA.

Submission of a proposal confers on vendor no right to a selection or to a subsequent contract.

This process is only for the benefit of ALEA and is to provide ALEA with competitive information to assist in the selection process. All decisions on compliance, evaluation, terms, and conditions will be made solely at the discretion of ALEA.